



City of Marathon Planning Commission
Tuesday January 21, 2020
9805 Overseas Hwy
City Hall Council Chambers
5:30 PM

1. **Call To Order**
 2. **Pledge Of Allegiance**
 3. **Roll Call**
 4. **Minutes**
 5. **Quasi-Judicial Statement**
 6. **Items For Public Hearing**
 7. **Adjournment**
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5. Quasi-Judicial Statement

Please be advised that some of the items on the agenda are quasi-judicial in nature. If you wish to give testimony on any item please inform the Boards clerk by filling out an available sign up form. An opportunity to speak will be made available after the applicant and staff have made their presentations on each item. All testimony, including public testimony and evidence, will be made under oath or affirmation. Additionally, all persons giving testimony may be subject to cross examination. If you refuse either to be cross examined or to be sworn your testimony will not be considered. The general public will not be allowed to cross examine witnesses, but they can ask the Commission to ask questions on their behalf. Persons representing organizations must present evidence of their authority to speak for the organization.

6. Items For Public Hearing

Item 1: A Request By Design Center And Yadira Blanco For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations Entitled "Conditional Use Permits", Authorizing A Duplex At Property Located On 79th Street, Which Is Described As Lot 11 Atlantic Shores PB 3-5, Key Vaca, Monroe County, Florida, And Having Real Estate Number 00347110-000000, Nearest Mile Marker 51.



**City of Marathon
Planning Commission
Monday November 18, 2019
9805 Overseas Hwy
City Hall Council Chambers**

MINUTES

Lynn Landry called the meeting of the Planning Commission to order on Monday, November 18, 2019 at City Hall Council Chambers, 9805 Overseas Hwy. at 5:30 pm.

In attendance: Planning Director George Garrett, Attorney David Migut, Senior Planner Brian Shea, Admin Assistant Lorie Mullins and members of the public.

The Pledge of Allegiance was recited.

The roll was called. Mike Cinque-present; Matt Sexton-present; Mike Leonard-absent; Lynn Landry-present.

Pam Dobson submitted her resignation on November 12, 2019.

Landry asked for approval of the last meeting minutes.

Sexton moved to approve. Cinque seconded. The roll was called. The minutes were approved 3-0.

The Quasi-Judicial Statement was read for the record.

Items 1 and 2 were heard in reverse order.

Item 2 was read into the record: Consideration Of A Request By Tender Loving Care Garden Supply, Inc. For A Conditional Use Permit Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (LDRs) Entitled "Conditional Use Permits", Seeking The Authorization For Eight Residential Units (4 Duplexes) On A Mixed Use Lot On Property Located At 7537 Overseas Highway, Which Is Legally Described As Section 12, Township 66, Range 32; Tract A In The Paraiso Estates Subdivision In Key Vaca, Marathon, Florida; Having Real Estate Number 00343500-000000. Nearest Mile Marker 51.

There were no ex-parte communications.

Brian Shea presented the item.

Steve Hurley presented the item for the applicant.

There were no public speakers.

After a brief discussion on existing vegetation, setbacks, sewer connections and fire hydrant placement, Sexton moved to approve the item. Cinque seconded.

The roll was called. The item was approved 3-0.

Item 1 was read into the record: Consideration Of A Request For A Conditional Use Permit For Guillermo Torres, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations (Code) Entitled “Conditional Use Permits” For The Development Of A Property Into Multifamily Housing, Office And Retail; Located At 10155 Overseas Hwy; Which Is Legally Described As Part Of Government Lot 2 And Bay Bottom South Of And Adjacent Part Government Lot 2, Key Vaca, Having Real Estate Number 00104460-000000, Nearest Mile Marker 52.5.

Cinque was the only commissioner to have ex-parte communications on the item. He spoke with residents of Marathon, but stated that would have no impact on his decision on the item.

George Garrett presented the item.

Steve Hurley presented the item on behalf of the applicant.

Landry opened the meeting to public speakers:

1. Armand Messina spoke against the item regarding increased traffic.
2. Dave Daniels spoke against the item regarding density and homeowner rights.
3. Dan Schick spoke against the item regarding current vacation rentals on the street.
4. Bill Shaw spoke against the item regarding improper signage, bogus traffic study, piecemeal zoning, and illegal fill in wetland areas.

After a brief discussion on the proposed 34,000 sq. ft. commercial building on US1, affordable housing location, traffic, signage, and road improvements Steve Hurley reiterated that the entire project is in compliance.

Cinque made a motion to deny the item, Sexton seconded. The roll was called. The motion to deny the item was approved 2-1.

Motion to adjourn.

Landry adjourned the meeting at 6:56 p.m.

ATTEST:

Lynn Landry – Planning Commission Chairman

ATTEST:

Lorie Mullins-Administrative Assistant
City of Marathon Planning Department

DRAFT

Pursuant to Section 286.0105, Florida Statutes, if a person decides to appeal any decision made by the Planning Commission with respect to any matter considered at such hearing or meeting, one will need a record of the proceedings and for such purpose that person may need to ensure that a verbatim record of the proceedings is made; such record includes the testimony and evidence upon which the appeal is to be based.

ADA Assistance: Anyone needing special assistance at the Planning Commission Meeting due to disability should contact the City of Marathon at (305-) 743-0033 at least two days prior thereto.

(Please note that one or more Marathon City Council members may participate in the meeting.)

PLANNING COMMISSION AGENDA STATEMENT

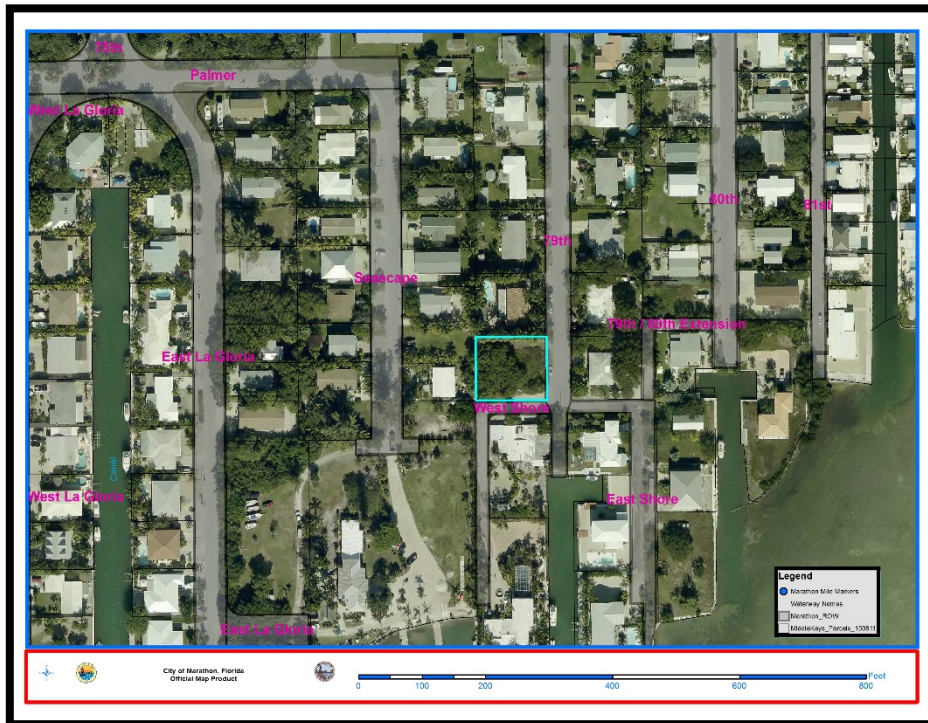


Meeting Date: January 21, 2020
To: Planning Commission
From: George Garrett, Planning Director

Agenda Item: Consideration Of A Request By Design Center And Yadira Blanco For A Conditional Use Permit, Pursuant To Chapter 102, Article 13 Of The City Of Marathon Land Development Regulations Entitled “Conditional Use Permits”, Authorizing A Duplex At Property Located On 79th Street, Which Is Described As Lot 11 Atlantic Shores PB 3-5, Key Vaca, Monroe County, Florida, And Having Real Estate Number 00347110-000000, Nearest Mile Marker 51.

OWNER: Yadira Blanco
APPLICANT: Design Center
LOCATION: 1177 79th Street. See Figure 1.

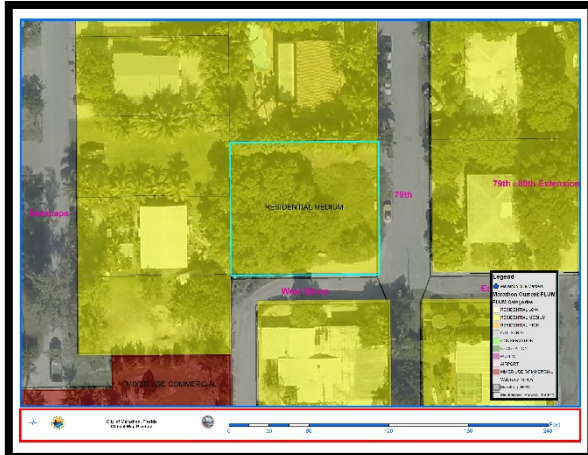
**Figure 1
Project Site**



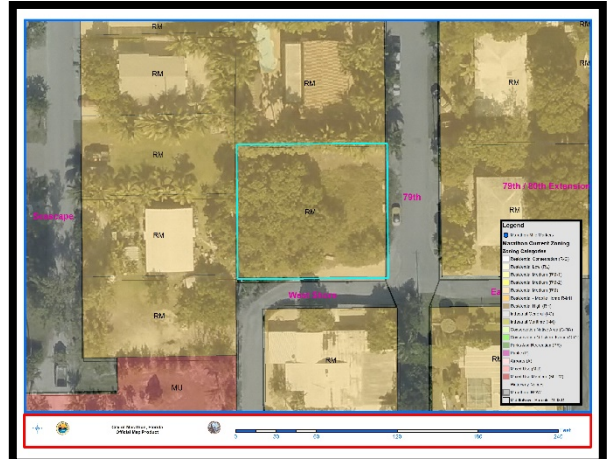
REQUEST: A Conditional Use Permit for the approval of a duplex residence on property having the real estate numbers 00347110-000000.

FUTURE LAND USE & ZONING MAP DESIGNATION: Residential Medium (RM). See Figures 2 and 3.

**Figure 2
Future Land Use Map**



**Figure 3
Zoning Map**



LOT SIZE:

Total acreage .257 acres or 11,200 square feet.

SURROUNDING ZONING AND USES:

	<u>Zoning</u>	<u>Use</u>
North	Residential Medium	Atlantic Shores Subd.
East	Residential Medium	Imber Subd.
South	Residential Medium	Atlantic Shores Subd.
West	Residential Medium , Mixed Use	Seascape Villas Subd., Seascape Motel

EXISTING CONDITIONS:

The project site consists of a vacant lot.

PROPOSED REDEVELOPMENT:

One (1) affordable duplex residential unit.

BACKGROUND:

The proposed project is the development of one duplex unit (side by side) in a Residential Medium (RM) neighborhood. The total lot area is 11,200 square feet.

All condition of the Conditional Use approval will have to be met before any building permit will be approved.

EVALUATION FOR COMPLIANCE WITH THE LAND DEVELOPMENT REGULATIONS:

The criteria for evaluating a Conditional Use Approval are outlined in Chapter 102, Article 13, Conditional Use Permits, in the City of Marathon Land Development Regulations.

CRITERIA

A. The proposed use is consistent with the Comprehensive Plan and LDRs;

The proposed development project is located within the Residential Medium (RM) Zoning District. Per Chapter 103, Article 2, Section 103.09 of the Land Development Regulations, the district is designed to “establish areas of low- to medium-density residential uses characterized principally by single-family detached and two-family dwellings, designated within the Residential Medium (RM) future land use category on the Future Land Use Map (FLUM).”

The proposed project consists of the development of existing Undeveloped Land within the Residential Medium Zoning District. Section 103.15, Table 103.15.2, “Uses By Zoning District,” establishes whether specific uses are allowed as of right, limited, accessory or conditional use permit. That table shows that Market Rate residential units are allowed at a maximum of 6 units per acre and at numbers greater than three (3) are only approved through the Conditional Use Permit process. Conditional Use Permit review is intended to allow a broader view of the potential impacts of a project on adjacent uses and on City concurrency related resources such as road capacity, solid waste, sewer, and potable water availability.

Table 103.15.2 in the Land Development Regulations establishes constraints on density and intensity allowed in the RM district based on the types of uses proposed.

Development Type	Proposed	Maximum Allowed
Residential Units		
Market Rate	0	1
Affordable	2	2

The project as proposed meets the basic definition of development in the RM zoning district.

Therefore, with conditions, the request is *in compliance* with the requirements of these sections.

B. The proposed use is compatible with the existing land use pattern and future uses designated by the Comprehensive Plan;

The proposed project is located within the Residential Medium Future Land Use District. Policy 1-3.1.4 of the City of Marathon Comprehensive Plan states that the “principal purpose of the Residential Medium future land use category is to provide for medium density residential development. The Residential Medium future land use category is characterized by areas containing predominately compact development on lots with disturbed or scarified vegetation and areas that are appropriate for infill development and that are served by existing infrastructure.”

The existing land use pattern is principally one of single family uses.

Therefore, the request is ***in compliance*** with the requirements of these sections.

C. The proposed use shall not adversely affect the health, safety, and welfare of the public;

The proposed conditional use does not adversely affect the health, and welfare of the public. The impacts on surrounding properties as a result of the proposed development should be positive.

Plans submitted with the project are suitable for the Conditional Use Approval as they relate to Chapter 107, Article 12, 100 Year Floodplain. Final review of floodplain compliance will occur as part of building permit issuance.

Therefore, the request is ***in compliance*** with the requirements of these sections.

D. The proposed conditional use minimizes environmental impacts, including but not limited to water, air, stormwater management, wildlife, vegetation, wetlands, and the natural functioning of the environment:

The existing conditions maps indicate the subject area is designated as Undeveloped Land. See Figure 4.

In addition, though found adjacent to a ‘Species Focus Area’ as defined in the settlement for FEMA-FWS lawsuit as “developed land,” this category falls out of the consideration in the species assessment guides thus having “no impact” on the species concern, the Eastern Indigo Snake.

Figure 4
City of Marathon Habitat Maps



Further improvements to water quality are expected to arise from stormwater improvements to the site, which should provide up-to-date treatment and eliminate any existing discharges to surface waters. The applicant has submitted preliminary stormwater plans suitable for the Conditional Use Application, and final plans are required prior to building permit issuance.

Site landscaping requirements will require that street trees be provided on site.

Therefore, it is staff's opinion that the request is ***in compliance*** with the requirements of these sections.

E. Satisfactory provisions and arrangements have been made concerning the following matters, where applicable:

- 1. Ingress and egress to the property and proposed structures thereon with particular reference to automotive, bicycle, and pedestrian safety and convenience, traffic flow and control and access in cases of fire or catastrophe;**

Ingress and egress to and from the property will occur from 79th Street and West Shore Drive.

Therefore, with conditions, the request is ***in compliance*** with the requirements of these sections.

- 2. Off-street parking and loading areas where required, with particular attention to item 1 above;**

Parking requirements are outlined in Section 107.46 (Parking Schedule). The following table shows the parking requirement for the residential uses on the parcel:

Use	Code Citation	Requirement	Spaces Required
Single and Two-Family, attached and detached	107.46.1	2 per dwelling unit	4
ADA	107.52	1 per every 25 parking spaces	0
Total Required			4
Total Provided			4

The developer proposes provisions and arrangements for off-street parking and loading areas, with particular attention to ingress and egress, automobile, bicycle, and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe.

No handicapped space is required of a duplex type residential unit.

Therefore, with the conditions noted above, the request is **in compliance** with the requirements of these sections.

3. The noise, glare or odor effects of the conditional use on surrounding properties;

The proposed project consists of development of a single duplex unit. No noise, glare, or odor should emanate from the proposed project over and above that expected of two (2) residential units.

Therefore, with conditions, the request is **in compliance** with the requirements of this section.

4. Refuse and service areas, with particular reference to locations, screening and Items 1 and 2 above;

Refuse will be collected at street side as is typical of a single family neighborhood.

Therefore, the request is **in compliance** with the requirements of this section.

5. Utilities, with reference to location and availability;

Chapter 107, Article 13, establishes the City’s Concurrency Management and certification requirements. This Conditional Use constitutes the City’s Concurrency Level of Service Certificate, as follows:

- **Wastewater**: The applicant must coordinate with wastewater Utilities department for connection requirements. This project will result in a de minimus impact.
- **Water**: The Florida Keys Aqueduct Authority will provide potable water for the facility.

- Solid Waste: Marathon Garbage Service will provide solid waste disposal.
- Surface Water: The applicant has provided stormwater design information suitable for the Conditional Use application review which demonstrates compliance with City standards. However, a final stormwater plan will be required for building permit issuance.
- Recreation and Open Space: This development will have a de minimus impact on recreation and open space.
- Roadways: The applicant is developing the site with a duplex which will require no more improvements and create no more impact than two (20 single family residences).
- Educational Facilities: This redevelopment will have a de minimus impact on educational facilities since existing uses are replaced in kind.

Therefore, with conditions, the request is *in compliance* with the requirements of these sections.

- City approval is required for the stormwater management system prior to Building Permit Approval.
- City approval of the modified connection to the City Wastewater Utility will be required.

6. Screening and buffering with reference to type, dimensions and character;

The project will require four (4) street trees as required in the City of Marathon Landscape Code. These will be provided by the applicant and are shown on their plans.

Therefore, with conditions, the request is *in compliance* with the requirements of these sections.

- Street trees required pursuant to the LDRs

7. Signs, if any, and proposed exterior lighting with reference to glare, traffic safety and compatibility with surrounding uses;

There will be no signs associated with the project.

Therefore, the request is *in compliance* with the requirements of these sections.

8. Required yards and other open space;

Section 106.16 established required open space for the project. The parcel is generally considered undeveloped; therefore, a twenty percent (20%) open space requirement applies. The proposed project meets all setback and open space requirements.

Therefore, the request is *in compliance* with the requirements of these sections.

9. General compatibility with surrounding properties; and

The proposed duplex use will fit in the predominantly single family neighborhood.

Section 107.40 restricts the height of buildings to 37' as measured from the crown of the roadway or unimproved grade. The site plans show that buildings are below 37'.

Therefore, the request is *in compliance* with the requirements of these sections.

10. Any special requirements set forth in the LDRs for the particular use involved.

Section 104.03 has specific requirements for affordable housing units, these are located below. Additionally the standard permit conditions for a building permit will be applied.

Therefore, with the conditions below, the request is *in compliance* with the requirements of this section.

Dwelling units shall contain less than or equal to 1,800 square feet of habitable space. Occupancy of affordable housing units is limited to those meeting the following income requirements:

A. Very-low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 50 percent of the median adjusted gross annual income for households within the county;

B. Low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 80 percent of the median adjusted gross annual income for households within the county;

C. Median-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 100 percent of the median adjusted gross annual income for households within the county;

D. Moderate-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 120 percent of the median adjusted gross annual income for households within the county;

E. Middle-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 160 percent of the median adjusted gross annual income within the county;

F. For the purposes of this section, "adjusted gross income" means all wages, income from assets, regular cash or non-cash contributions or gifts from persons outside the household (that will be used to offset the purchase price of the dwelling unit), and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code. Income from assets is calculated at either the actual income from all assets or two (2%) percent of the value of all assets, whichever is greater. If total assets are less than \$5,000.00, no income is considered. Asset inclusions: Cash accounts (checking, savings, IRA, Money Market...), investments, retirement accounts, boats, RV's. Income exclusions: Personal property, automobiles;

G. The maximum sales price shall not exceed 300 percent of that amount which represents 160 percent of the median adjusted gross annual income for households within the county;

H. The monthly rent shall not exceed 30 percent of that amount which represents the income bracket of the household, i.e., very low, low, median, moderate or middle, divided by 12.

In no case shall the monthly rent exceed 160 percent of the median adjusted gross annual income for households within the county, divided by 12; and

I. If the dwelling units utilize affordable housing BPAS allocations, the requirements of Subsection 107.06(c) shall also apply.

J. Annual income qualification, lease or employment verification, as applicable, by the City, or its designee, shall be limited to rental and employee housing dwelling units. Income verification for owner occupied dwellings shall be performed and approved by the City or its designee prior to the sales closing and occupancy of the dwelling unit.

CONCLUSION:

The Conditional Use Approval is intended to allow for the integration of certain land uses and structures within the City of Marathon based on conditions imposed by the Council. Review is based primarily on compatibility of the use with its proposed location and with surrounding land uses. Conditional uses shall not be allowed where the conditional use would create a nuisance, traffic congestion, a threat to the public health, safety or welfare of the community.

The proposed development consists of a duplex unit within a predominantly single family neighborhood. The character of the proposed residence will fit in the neighborhood.

RECOMMENDATION:

City staff recommends approval with the following conditions.

Conditions of Approval

1. City approval is required for the stormwater management system prior to Building Permit Approval.
2. City approval of the modified connection to the City Wastewater Utility will be required.
3. Street trees required pursuant to the LDRs.
4. All work to be performed according to Code
5. All debris must be disposed of properly
6. All stormwater must be retained on site
7. All native vegetation must remain undisturbed
8. All invasive exotic vegetation must be removed prior to CO
9. Two parking spaces per unit must be provided outside the required setbacks.
10. A minimum of two openings having a TOTAL NET area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
11. The bottom of all openings shall be no higher than one foot above grade.
12. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
13. Fully enclosed areas below base flood elevation (BFE) must be built using flood resistant building materials, and mechanical, electrical, plumbing equipment, and other service facilities must be designed or located so as to prevent damage during flood conditions.

14. Fully enclosed areas below base flood elevation (BFE) are permitted solely for parking of vehicles, building access or limited storage, not for habitation.
15. Enclosed area shall not be partitioned.
16. Stormwater, Erosion and Sediment control measures **MUST BE APPLIED** throughout site before excavation.
17. All affordable housing conditions must be met.
 - Dwelling units shall contain less than or equal to 1,800 square feet of habitable space. Occupancy of affordable housing units is limited to those meeting the following income requirements:
 - Very-low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 50 percent of the median adjusted gross annual income for households within the county;
 - Low-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 80 percent of the median adjusted gross annual income for households within the county;
 - Median-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 100 percent of the median adjusted gross annual income for households within the county;
 - Moderate-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 120 percent of the median adjusted gross annual income for households within the county;
 - Middle-income. A household, whose income (excluding that of full-time students under 18 years of age) does not exceed 160 percent of the median adjusted gross annual income within the county;
 - For the purposes of this section, "adjusted gross income" means all wages, income from assets, regular cash or non-cash contributions or gifts from persons outside the household (that will be used to offset the purchase price of the dwelling unit), and such other resources and benefits as may be determined to be income by the United States Department of Housing and Urban Development, adjusted for family size, less deductions allowable under Section 62 of the Internal Revenue Code. Income from assets is calculated at either the actual income from all assets or two (2%) percent of the value of all assets, whichever is greater. If total assets are less than \$5,000.00, no income is considered. Asset inclusions: Cash accounts (checking, savings, IRA, Money Market...), investments, retirement accounts, boats, RV's. Income exclusions: Personal property, automobiles;
 - The maximum sales price shall not exceed 300 percent of that amount which represents 160 percent of the median adjusted gross annual income for households within the county;
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divided by 12. In no case shall the monthly rent exceed 160 percent of the median adjusted gross annual income for households within the county, divided by 12; and

- If the dwelling units utilize affordable housing BPAS allocations, the requirements of Subsection 107.06(c) shall also apply.
- Annual income qualification, lease or employment verification, as applicable, by the City, or its designee, shall be limited to rental and employee housing dwelling units. Income verification for owner occupied dwellings shall be performed and approved by the City or its designee prior to the sales closing and occupancy of the dwelling unit.